

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
R. de Sylva	:	Group Art Unit 1723
Serial No. 08/826,727	:	Examiner: M. Savage
Filed: Aril 7, 1997	:	Date: August 25, 2001
For: COMPACT MOBILE OIL	:	
RECYCLING SYSTEM	:	

**DECLARATION UNDER 37 CFR 1.131  
TO SWEAR BEHIND REFERENCE**

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

The enclosed exhibits A - F provide evidence and testimony to antedate US Patent No. 5, 824, 211 (Lowry) for subject matter disclosed and claimed in U.S. Patent Application, Serial No. 08/826,727, which is the parent of the Continuation-In-Part U.S. Patent Application filed herewith.

**Exhibit A:** Exhibit A is a letter from a witness Paul Oravec. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Paul Oravec and was diligent in reducing the invention to practice.

**Exhibit B:** Exhibit B is a letter from a witness Dione Apple. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Dione Apple.

**Exhibit C:** Exhibit C is a letter from Daniel Potasz, who witnessed Charles Lowry asking Robert de Sylva questions pertaining to Robert de Sylva's proprietary oil recycling system before May 3, 1995. The fact herein relied upon is that Robert de Sylva transferred ideas to Charles Lowry, as witnessed by Daniel Potasz, that were subsequently disclosed in Lowry, and therefore should not be used by Examiner to reject Applicant's claims.

**Exhibit D:** Exhibit D is a letter from Robert de Sylva explaining his working relationship with Charles Lowry. The fact herein relied upon is that Robert de Sylva conceived the embodiments of U.S. Patent Application, Serial No. 08/826, 727 before May 3, 1995.

**Exhibit E:** Exhibit E is a collection of drawings sheets 1-5 employed to construct a prototype of the Fig. 1 embodiment of U.S. Patent Application, Serial No. 08/826, 727. Sheet 1 is a working cross-sectional diagram of the mobile oil recycling device that was used to construct a working prototype, the design/construction beginning in 1995. Sheet 2 is a working diagram illustrating the central tube and accompanying grooves employed to enhance the evaporation surface on the interior of the tube. Sheet 3 shows the design of the bottom end cap of the prototype. Sheet 4 shows how the inner tube fits with the end caps. Sheet 5 shows the threading between the outer tube and the end caps of the prototype. The fact herein relied upon is that Robert de Sylva was diligent in reducing the invention to practice beginning February 1995.

**Exhibit F:** Exhibit F includes two sheets illustrating diagrams of an oil recycling unit that Robert de Sylva commissioned Charles Lowry to produce via his computer in February 1995 based on Robert de Sylva's input. Charles Lowry was extremely excited to participate in Robert de Sylva's new invention after Robert de Sylva explained to him the details of the invention. Charles Lowry asked Robert de Sylva if he could illustrate Robert de Sylva's proposed oil recycling device via his computer. Robert de Sylva allowed Charles Lowry to construct some figures based on Robert de Sylva's instructions. Exhibit F includes some of those figures. Note that Sheet 1 of exhibit F is very similar to Fig. 1 of Lowry. Although these diagrams do not have the date written on them, they were produced in February 1995. The handwriting on Sheet 1 represents some of my notes to Charles Lowry regarding the diagrams. The notes on Sheet 1 were written (by me) in February 1995. The fact herein relied upon is that Robert de Sylva invented concepts disclosed and claimed in Lowry before May 3, 1995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both.

Respectfully submitted,

 8-27-01  
Robert de Sylva

Applicant Pro Se

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing  
OR  
☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number

N/A

First Named Inventor

Robert de Sylva

## COMPLETE IF KNOWN

Application Number

/

Filing Date

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPACT FLUID CLEANING SYSTEM

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY)  as United States Application Number or PCT International

Application Number  and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

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**DECLARATION — Utility or Design Patent Application**Direct all correspondence to: ☐ Customer Number or Bar Code Label  OR ☒ Correspondence address below

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State CA

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Country USA

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Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR : ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any]) Robert

Family Name or Surname de Sylva

Inventor's Signature

*Robert de Sylva*

Date 8-27-01

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NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

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Family Name or Surname

Inventor's Signature

Date

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Country

Citizenship

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.